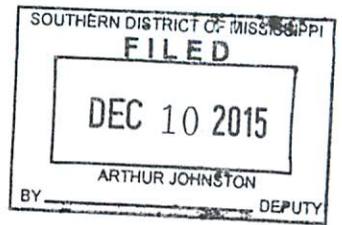


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION



JOANNE PITTS

PLAINTIFF

VS.

CAUSE NO.: 3:15-cv-892 CWR-LRA

CITY OF MADISON COUNTY, MISSISSIPPI,
MADISON COUNTY, MISSISSIPPI,
SHERIFF RANDY TUCKER, in his official capacity,
INVESTIGATOR COLE TERRELL, in his official capacity,
CHIEF GENE WALDROP, in this official capacity,
OTHER UNKNOWN JOHN and JANE DOES 1-10

DEFENDANTS

NOTICE OF REMOVAL

COME NOW the defendants, Madison County, Mississippi and Sheriff Randy Tucker, in the above-captioned suit that is currently pending in the Circuit Court of Madison County, Mississippi, bearing Cause No. CI-2015-0168-JE, and file this Notice of Removal of the state court action to the United States District Court for the Southern District of Mississippi, Northern Division. In support thereof, the defendant would show unto the Court the following:

1. The defendants assert federal question jurisdiction pursuant to 28 U.S.C. §1331 as the basis for the United States District Court's original jurisdiction over this action. Removal is made pursuant to the provisions of 28 U.S.C. §1441, *et seq.*
2. This civil action was initially filed against the defendants on July 31, 2015, in the Circuit Court of Madison County, Mississippi, bearing Civil Action Number CI-2015-0168-JE, but no service of process was made on any defendant by the plaintiff. The plaintiff filed an Amended Complaint in said action on November 18, 2015. Pursuant to L.U.Civ.R. 5(b), the

entire state court record is attached hereto as Exhibit "A." The Complaint names Madison County, Mississippi, Sheriff Randy Tucker, and other defendants, including but not limited to John and Jane Doe Defendants 1-10.

3. The defendant, Sheriff Randy Tucker was served with the Amended Complaint in this matter on November 20, 2015. The defendant, Madison County, Mississippi, was served with an Amended Complaint on November 23, 2015.

4. The defendants, City of Madison, Investigator Cole Terrell, and Chief Gene Waldrop have been served with the Amended Complaint and have consented to this removal without waiver of any defenses available to them.

5. This Notice of Removal is being filed within thirty (30) days of service by Sheriff Randy Tucker and Madison County, Mississippi, of a copy of the Plaintiff's *Amended* Complaint as required under 28 U.S.C. §1446(b).

6. According to 28 U.S.C. §1441(a), the United States District Court for the Southern District of Mississippi, Jackson Division, is the Federal District Court for the district and division embracing the place where the subject state court suit is pending.

7. This Court has subject matter jurisdiction over the present action pursuant to 28 U.S.C. §1331 and §1441. The Plaintiff has made assertions of a violation of her Fourth and Fourteenth Amendment Rights pursuant to the procedural vehicle of 42 U.S.C. §1983, thereby creating a federal question as contemplated under 28 U.S.C. §1331. This federal question existed at the time of service of the Amended Complaint upon Madison County, Mississippi and Sheriff Randy Tucker, as well as the time of removal.

8. Pursuant to *Fed.R.Civ.P.* 11, undersigned counsel certifies that she has read the foregoing Notice of Removal, and that, to the best of her knowledge, information, and belief, formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law and/or good faith argument for the extension, modification, or reversal of existing law, that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

9. Pursuant to 28 U.S.C. § 1446(d), the defendants will give written notice of the filing of this Notice of Removal to the Plaintiff, and a true and correct copy of this Notice will be duly filed with the Circuit Court of Madison County, Mississippi.

WHEREFORE, the defendants, Madison County, Mississippi and Sheriff Randy Tucker, remove the above-entitled and numbered case from the state court to this Court.

This the 10th day of December, 2015.

Respectfully submitted,

**MADISON COUNTY, MISSISSIPPI AND
SHERIFF RANDY TUCKER**

By: 
Rebecca B. Cowan (#7735)

OF COUNSEL:

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Facsimile: (601)969-5120
bcowan@curriejohnson.com

CERTIFICATE OF SERVICE

I, Rebecca B. Cowan, do hereby certify that I have mailed the above Notice of Removal
via U.S. Mail, first class, postage prepaid to:

Chuck McRae, Esq.
McRae Law Firm, PLLC
416 E. Amite Street
Jackson, MS 39201

This the 10th day of December, 2015.



Rebecca B. Cowan